



December 26, 2001

U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590

Docket: FHWA-2001-8954

To Whom It May Concern:

On behalf of the 5,000 members of the American Road & Transportation Builders Association (ARTBA), which is the only national association that exclusively represents the collective interests of all sectors of the U.S. transportation construction industry, we would like to comment on the Federal Highway Administration's (FHWA) advanced notice of proposed rulemaking (ANPRM) regarding possible revisions to the National Bridge Inspection Standards (NBIS) that was published in the September 26, 2001 *Federal Register*.

ARTBA and its members have closely reviewed the ANPRM and would offer the following comments.

Application of Standards

In order to remain consistent, FHWA should continue to use the current American Association of State Highway and Transportation Officials (AASHTO) definition of a bridge for the purposes of inspection and reporting. However, should a new definition of a bridge be established, its impact on compliance by public authorities, the FHWA, or highway bridge replacement and rehabilitation program (HBRRP) funds would be dependant on how much the definition diverges from the current AASHTO definition.

Inspection Procedures

In general, ARTBA does not support extending the interval between underwater bridge inspections because of the potentially negative impact this action could have on safety. If FHWA does proceed with the implementation of a different underwater bridge inspection cycle based on pile or foundation materials and the environment, it is imperative that all stakeholders in bridge construction, maintenance and inspection work together with FHWA to develop a safe underwater bridge inspection interval that has no negative impact on safety. Many state DOTs

already have inspection programs that are more stringent than the federal standard. ARTBA believes that state DOTs should be left to make these determinations on a state-by-state basis.

With regard to scour, because most states already follow the FHWA technical advisory, amending the regulations is probably unnecessary and could have the negative effect of making the regulations too lengthy and confusing. In addition, ARTBA believes that major storm guidance should be the responsibility of individual state DOTs because of the uniqueness of storms in different parts of the country and the knowledge that state and local authorities already possess on how to handle such events. Should FHWA include FHWA Technical Advisory T5140.23 within the NBIS regulations, ARTBA does not believe this would have much of an impact on public authorities complying with the evaluation of scour at bridges criteria unless certain states are not already adequately addressing this issue.

Frequency of Inspections

FHWA should be very cautious about increasing bridge inspection cycles beyond the current regulations. ARTBA would advocate, however, adding some flexibility into the deadlines in the form of a thirty-day grace period. Due to issues often outside of a bridge inspector's control such as weather, scheduling demands, and staffing shortages, it is often extremely difficult for all bridge inspection deadlines to be met. A grace period of thirty days would be reasonable and would have no perceivable negative impact on safety.

Qualification of Personnel

ARTBA supports the requirement that the individual in charge of the bridge inspection should be a professional engineer (PE) who has experience in that specific field and who has passed the required examinations to be an inspector. However, FHWA's proposal to require the individual in charge of the inspection to have additional experience may create a challenge for state DOTs in terms of being able to hire qualified individuals with such experience. Furthermore, ARTBA does not believe it is necessary for the NBIS to specify or require that the individual in charge of a bridge inspection must be a civil or structural engineer. State DOTs should be allowed a great deal of latitude in making personnel decisions and judgment calls with respect to qualifications. In addition, credence should be given to the canon of ethics for PEs, which states that engineers should only function in their area of competence.

Regarding underwater inspections, team leaders for underwater inspections should have the same qualifications as above water inspectors. The team leader should be required to be a PE, but the diver should not be required to hold that designation as well. Requiring the diver to be a PE would place a very large undue burden on state DOTs.

Inspection Report

Although the inspector who was out in the field should complete a bridge inspection report with respect to its substantive content, there must be some flexibility for review of the final report so that small changes can be made for the purposes of clarification, uniformity and accuracy. Each inspection team may have different scales for rating bridges and there is sometimes a need to make changes to have uniform consistency in the state. If substantive changes are made, however, the inspection team should be made aware of the changes.

Inventory

The reporting requirements for NBIS are adequate and should not be changed. The only change that might be considered is that currently, federal data is reported directly to Washington, D.C. and states should have the option of keeping federal data in their state's inventory. FHWA may also wish to further clarify that load data be done within 90 days.

Overall, ARTBA believes that the current NBIS regulations are adequate and should not be dramatically revised, with the possible exception of "cleaning up" the regulations. In addition to the aforementioned comments, FHWA may consider issuing some guidelines for scour investigation, which may be helpful for bridge inspectors. However, this should be limited to informal guidelines and does not need to be done through the formal rulemaking process. If any revisions are made to the NBIS, ARTBA would encourage the FHWA to provide state and local authorities with as much flexibility as possible regarding bridge inspections because of their superior knowledge of the condition of bridges under their jurisdiction.

We hope that these comments are useful and we look forward to working with FHWA if it decides to make changes to the NBIS rules.

Sincerely,

A handwritten signature in black ink that reads "T. Peter Ruane". The signature is written in a cursive, flowing style.

T. Peter Ruane
President & CEO